

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

DONNA M. BOKMA and DANIEL SAMSEL,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

PERFORMANCE FOOD GROUP, INC.,

Defendant.

Civil Action No. 3:24-cv-00686-DJN

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs Donna M. Bokma and Daniel Samsil, by counsel, respectfully submit this Notice of Supplemental Authority to advise the Court of the U.S. District Court for the Western District of Missouri's opinion in *Mehlberg et al. v. Compass Group USA, Inc.*, Case No. 24-cv-04179, Dkt. 41 (W.D. Mo. Apr. 15, 2025) (attached hereto as **Exhibit 1**).

Judge Bough, in *Mehlberg*, denied the defendant's motion to dismiss rejecting materially identical arguments to those raised here by Defendant. *See* Ex. 1. The court found the plaintiffs had standing (*id.*, 5–8), and that the plaintiffs adequately alleged that ERISA requires retroactive reimbursement of tobacco surcharges. *Id.*, 8–11. The court also found the plaintiffs had sufficiently alleged that the defendant acted as a fiduciary and engaged in prohibited transactions. *Id.*, 13–14.

Dated: April 24, 2025

SIRI & GLIMSTAD LLP

/s/ Christopher Williams

Christopher Williams

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on April 24, 2025, a true and correct copy of the foregoing Motion for Leave was filed with the Court by electronic filing protocols and that same will therefore be electronically served upon all attorneys of record registered with the Court's ECF/CM system.

/s/ Christopher Williams
Christopher Williams